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Ratification of Council of Europe conventions

Report¹

Working party on relations with national parliaments

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1. 1959 - 11th Session - First part



A. Draft Resolution

The Assembly,

Considering that, since 1949, twenty-seven conventions, agreements, protocols and declarations have been concluded within the framework of the Council of Europe;

Considering that, in all but three cases, over sixteen months have elapsed since these instruments were signed by most of the Governments, but that many member countries have not yet ratified them;

Considering, in particular, that the European Convention on Establishment was signed on 13th December 1955 and that, so far, only one member country has ratified it;

Recalling the statutory Resolution adopted by the Committee of Ministers in 1951, which is worded as follows :

" The convention or agreement shall be submitted by the Secretary-General to all Members for ratification ",
and

"Each Member undertakes that within one year of such submission, or, where this is impossible owing to exceptional circumstances, within eighteen months, the question of ratification of the Convention or agreement shall be brought before the competent authority or authorities in its country ",

Urgently requests its members to take appropriate measures, either in their national parliament or in a personal capacity, to bring their Governments to comply speedily with the provisions of the above-mentioned Resolution of the Committee of Ministers and to embark without delay on the ratification procedure in all cases where this has not yet been done.

B. Explanatory Memorandum

1.

The Working Party, which has always taken a special interest in the ratification of the conventions and agreements concluded within the framework of the Council of Europe, has examined the table drawn up on 20th March 1959 by the Legal Department of the Secretariat-General, showing the present position with regard to the ratification of these conventions and agreements.

The Working Party was not concerned with either the situation in the member countries or the question of signature, its sole purpose being to give a few figures showing the general position in regard to ratification.

The attached table² gives information regarding 27 conventions, agreements, protocols and declarations.

Taking an overall view, the Working Party considered that, if these 27 instruments had been signed and ratified by all the Member States, this would have given a maximum of 405 ratifications or declarations. However, several Member Governments, for different reasons, have not signed some of the conventions and agreements. The table shows 39 such cases.

Furthermore the table shows 18 cases in which certain Member States, under the rules governing Partial Agreements, abstained from acceding to a protocol (e.g. Third Protocol to the General Agreement on Privileges and Immunities—No. 4 of the table) or in which the need for the declaration referred to in Article 63 of the Human Rights Convention (No. 7 of the table) does not exist.

This leaves 348 cases of signature where ratification or a declaration could have followed within a reasonable time. In fact, the ratification procedure has been completed or declarations made in only 228 of these cases, leaving 120 outstanding.

The table below gives the number of instruments concluded and the number ratified since 1949 :

| Year | Instruments concluded | Missing signatures | Ratified or declaration made | Awaiting ratification or declaration |
|------|-----------------------|--------------------|------------------------------|--------------------------------------|
| 1949 | 1 | | 12 | 3 |
| 1950 | 4 | | 33 | 16 |
| 1951 | | | | |
| 1952 | 2 | | 26 | 4 |
| 1953 | 8 | 9 | 89 | 22 |
| 1954 | 2 | 3 | 25 | 2 |
| 1955 | 2 | 2 | 12 | 16 |
| 1956 | 2 | 2 | 15 | 13 |
| 1957 | 3 | 12 | 10 | 23 |
| 1958 | 2 | 9 | 6 | 15 |
| 1959 | 1 | 2 | | 6 |
| | 27 | 33 | 228 | 120 |

The Working Party considers that, in view of the great number of ratifications outstanding, amounting to more than one-third of the possible total, and the significant figures for the different years, there is urgent need for concerted action by Assembly Representatives to speed up the ratification procedure in their own countries.

It has, accordingly, the honour to submit to the Assembly the above draft Resolution, which it has adopted unanimously.

2. This table accompanies Part I of the Report by the Secretary-General, European Co-operation in 1958.